1 MICHAEL J. BETTINGER (State Bar No. 122196)
   RACHEL R. DAVIDSON (State Bar No. 215517)
2 PRESTON GATES & ELLIS LLP
   55 Second Street, Suite 1700
3 San Francisco, California 94105-3493
   Telephone: (415) 882-8200
4 Facsimile: (415) 882-8220

5 KARL J. QUACKENBUSH (*Admitted Pro Hac Vice*)
   JEFFREY C. JOHNSON (*Admitted Pro Hac Vice)*
6 PRESTON GATES & ELLIS LLP
   925 Fourth Avenue, Suite 2900
7 Seattle, Washington 98104-1158
   Telephone: (206) 623-7580
8 Facsimile: (206) 623-7022

9 Attorneys for Defendant
   MICROSOFT CORPORATION
10

11

12   **UNITED STATES DISTRICT COURT**

13   **NORTHERN DISTRICT OF CALIFORNIA**

                    SAN JOSE DIVISION
14

15 GOOGLE, INC. and KAI-FU LEE,   Case No. C 05-03095 RMW

16   Plaintiffs,   **DECLARATION OF MICHAEL J.**
                                              BETTINGER IN SUPPORT OF
17   v.   **MICROSOFT'S OPPOSITION TO**
                                              PLAINTIFFS' MOTION FOR
18 MICROSOFT CORPORATION,   **SUMMARY JUDGMENT**

19   Defendant.   Date: October 14, 2005
                                              Time: 9:00 a.m.
20   Place: Courtroom 6
                                              Hon.   Ronald M. Whyte
21

22

23   I, MICHAEL J. BETTINGER, declare as follows:

24   1.   I am an attorney licensed to practice in the State of California and before this

25 Court, and am a partner in the law firm of Preston Gates & Ellis, LLP, attorneys of record for

26 defendant Microsoft Corporation in the above-entitled action. I have personal knowledge of the

1   facts stated herein and, if called as a witness, would testify as follows.

2   2.   Attached hereto as Tab A is a true and correct copy of Microsoft's Motion for

3   Temporary Restraining Order and Order to Show Cause dated July 25, 2005.

4   3.   Attached hereto as Tab B is a true and correct copy of Defendants' Opposition to

5   Plaintiff's Motion for Temporary Restraining Order dated July 26, 2005.

6   4.   Attached hereto as Tab C is a true and correct copy of the Order Amending

7   Stipulated Protective Order signed by King County Superior Court Judge Steven C. Gonzalez on

8   August 29, 2005.

9   5.   Attached hereto as Tab D is a true and correct copy of Defendant Kai-Fu Lee's

10 Motion for Evidentiary Hearing and Permission to Take Oral Testimony dated August 19, 2005.

11   6.   Attached hereto as Tab E is a true and correct copy of Google Inc.'s Joinder of

12 Lee's Motion for Evidentiary Hearing dated August 22, 2005.

13   7.   Attached hereto as Tab F is a true and correct copy of Defendant's Motion to

14 Dissolve or Modify Temporary Restraining Order dated August 31, 2005.

15   8.   Attached hereto as Tab G is a true and correct copy of Kai-Fu Lee's Opposition to

16 Microsoft's Motion for Preliminary Injunction dated August 30, 2005.

17   9.   Attached hereto as Tab H is a true and correct copy of the Preliminary Injunction

18 Order signed by King County Superior Court Judge Steven C. Gonzalez on September 13, 2005.

19   10.   Attached hereto as Tab I is a true and correct copy of the transcript of the

20 Preliminary Injunction Hearing dated September 13, 2005.

21   11.   Attached hereto as Tab J is a true and correct copy of an article from the Los

22 Angeles Times, "Ex-Microsoft Exec Can Start at Google" dated September 14, 2005.

23

24

25

26

DECLARATION OF MICHAEL J. BETTINGER IN   2   PRINTED ON RECYCLED PAPER
SUPPORT OF MICROSOFT'S OPPOSITION TO PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT
(Case No.: C 05-03095 RMW)

1   I declare under penalty of perjury that the foregoing is true and correct. Executed this

2 23rd day of September, 2005 at San Francisco, California.

3

4

5   /s/
                                            Michael J. Bettinger

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26